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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,225	06/26/2001	Dale T. Taylor	P 280336 P11802	8570
7590	04/21/2005		EXAMINER	
SHARMINI N GREEN C/O BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025			COULTER, KENNETH R	
			ART UNIT	PAPER NUMBER
			2141	
DATE MAILED: 04/21/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/891,225	TAYLOR ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kenneth R. Coulter	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 December 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-27 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 June 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1 – 3 are objected to because of the following informalities:  
“coalseced” (claim 1, line 11);  
“coalesced” (claim 7, line 12; claim 9, line 5; claim 11, line 9; claim 17, line 9;  
claim 20, line 13; claim 21, line 5; claim 22, line 9; claim 26, line 9);  
“coalescing” (claim 6, lines 5 and 11; claim 9, lines 6; claim 11, line 1; claim 17,  
line 1; claim 21, line 6; claim 22, line 2; claim 26, line 2);  
“associted” (claim 19, line 4).

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 recites the limitation "the plurality of agents" in line 8. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 – 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Wolton et al. (U.S. Pub. No. 2004/0030741 A1) (Method and Apparatus for Search, Visual Navigation, Analysis and Retrieval of Information from Networks with Remote Notification and Content Delivery).

4.1 Regarding claim 1, Wolton discloses a system, comprising:  
a plurality of agents capable of receiving and sending formatted information via a network, the formatted information organized according to a pre-defined syntax (Abstract “**automatically format results of the search** and content retrieval using a plurality of ranking methods”; Figs. 10, 12a10 “**Format Settings** for Search Results”; p. 35, paragraph 790; p. 4, paragraph 79 “user defined visualization display types”); and  
a priority rule-based coalescing mechanism connecting to the plurality of agents via the network, the priority rule-based coalescing mechanism capable of coalescing the formatted information received from the plurality of agents the pre-defined syntax of the formatted information being recognized by the plurality of agents and the priority rule-based coalescing mechanism (paragraphs 62 – 67, 69, 74, 790), the priority rule-based coalescing mechanism further coalescing the formatted information within a coalesced file and synchronizing the coalesced file according to corresponding priority rules defined with respect to each of the plurality of agents the synchronized coalesced file

then being processed to generate an updated coalesced file (p. 35, paragraph 790; p. 13, paragraph 298; p. 14, paragraph 321; p. 15, paragraph 331; p. 35, paragraph 792; p. 43, paragraph 1019 (see below)).

An advantage of the present invention is the ability to rapidly and automatically update shell application programs and **priorities of subsequent agents** activity by chaining agents. This **autonomous rapid update process** using live search over a network of disparately formatted and heterogenous information, provides maximum recency of information to the shell environment applications. This effects better specificity, currency and relevance of information, and provides more reliable, actionable information. Further, such **information aggregation production can be based on using popularly higher ranked information sources** or known higher authority sources (p. 35, paragraph 790).

In this context, the agent configuration detail are kept from the user, and user specific application of the agent is limited to Boolean terms and Metric terms to be entered by the user. Alternatively, the remote server provisioned agents may be open source agents which are fully editable, as available from agent user community agent exchanges, which may **rank agents** and focus topic conditions for provisioning based on popularity for example (p. 13, paragraph 298).

Further, submitted **agents may be ranked according to download popularity**. The most popular agent for a particular type of task can automatically become the default agent that the server provisions to future users an users obtaining agent updates. In this instance, the user may receive compensation incentives to produce the best agent or agent suites for a given type of task. Such compensation incentives can include one or more of the same compensation incentives (1) through (8) aforementioned (p. 14, paragraph 321).

The FIG. 3 HTML report generation module 468 receives dynamic information input from the files collected by the engine 452 or engine 476, and **parses the database of collected results according to desired ranking** and layout preferences set up previously the user (p. 15, paragraph 331).

Further, **agents may be chained to and embedded into conventional rule** and or framed based inference systems. For example, an agent can comprise the execution of business rules that represent key application logic such as rules about conditions associated with the diagnosis and corrective maintenance of a product, or rules associated with a transactional exchange system relating to price, quantity and delivery (p. 35, paragraph 792).

The **registry** of private agent and inter-agent activities are called **agent plans**. Agent plans are matched to external requests. The **plan registry can have ranking and priority**, so that if certain agent activities are proposed by human users or meta-agents, the agent can select the higher ranking behavioral option in the registry that fits the request. **Plan ranking can be designated by the human user**, or owner, of the agent. If the human user has designated a meta-agent authority over individual agent collections, the plan ranking of an individual agents private or inter-agent behavior can be designated, on an on-call basis, by a meta-agent (p. 43, paragraph 1019).

4.2 Per claim 2, Wolton teaches the system according to claim 1, wherein each of the agent is associated with a device group that comprises at least one device and collects information from the at least one device in the device group (p. 35, paragraph 790; p. 43, paragraph 1019).

4.3 Regarding claim 3, Wolton discloses the system according to claim 2, wherein each of the plurality of agents comprises:

a device interface for interacting with the at least one device in the device group to collect information (p. 35, paragraph 790; p. 43, paragraph 1019);  
an information formatting mechanism for organizing the information, collected by the device interface from the at least one device, according to a pre-defined syntax to generate formatted information (Abstract “automatically format results of the search and content retrieval using a plurality of ranking methods”; Figs. 10, 12a10 “Format Settings for Search Results”; p. 35, paragraph 790; p. 4, paragraph 79 “user defined visualization display types”); and  
a network communication mechanism for communicating with the priority rule-based coalescing mechanism, sending the formatted information to the priority rule-based coalescing mechanism via the network (p. 35, paragraph 790; p. 13, paragraph 298; p. 14, paragraph 321; p. 15, paragraph 331; p. 35, paragraph 792; p. 43, paragraph 1019).

4.4 Per claims 4 – 27, the rejection of claims 1 – 3 under 35 USC 102(e) (paragraphs 4.1 – 4.3 above) applies fully.

#### ***Response to Arguments***

5. Applicant's arguments filed 12/14/2004 have been fully considered but they are not persuasive.

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Applicant states that the cited passages do “not disclose that the information is formatted according (to) a predefined syntax recognized by the plurality of agents AND the priority rule-based coalescing mechanism.”

The Examiner disagrees.

The “disparately formatted and heterogenous information” taught in paragraph 790 of Wolton points to a need to format the data before the agent manipulates the gathered information, since there are many differently formatted information types.

Also, Wolton discloses a “results formatting aspect of the invention” (paragraphs 62 – 67) wherein the agent modifies the collected information before sending.

Applicant states that “Wolton does not describe the second claim element, namely a priority rule-based coalescing mechanism capable of receiving the formatted information from the plurality of agents, synchronizing the formatted information according to corresponding priority rules defined with respect to each of the plurality of agents, and processing the synchronized coalesced file to generate an updated coalesced file.”

The Examiner disagrees.

Wolton explicitly teaches that “**agents may be ranked** according to download popularity” (paragraph 321); “**information aggregation production can be based on using popularly higher ranked information sources**” (paragraph 790).

These citations clearly disclose “a priority rule-based coalescing mechanism capable of receiving the formatted information from the plurality of agents, synchronizing the formatted information according to corresponding priority rules defined with respect to

each of the plurality of agents, and processing the synchronized coalesced file to generate an updated coalesced file."

The "updated coalesced file" is simply the rearranging of aggregated information in Wolton.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R. Coulter whose telephone number is 571 272-3879. The examiner can normally be reached on 5 4 9.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

krc

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